

ITEM NO: \_\_\_\_\_

PREPARED BY: Christy L. Kinard

APPROVED BY: Christy L. Kinard  
Assistant County Attorney

**RESOLUTION BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, REQUESTING THE MEMBERS OF THE TENNESSEE GENERAL ASSEMBLY SUPPORT LEGISLATION REPEALING TENNESSEE CODE ANNOTATED, TITLE 16, CHAPTER 2, SECTION 518 RELATIVE TO THE REQUIREMENT TO INCREASE LOCAL FUNDING FOR THE OFFICE OF THE PUBLIC DEFENDER WHEN LOCAL FUNDING FOR THE DISTRICT ATTORNEY GENERAL'S OFFICE IS INCREASED. SPONSORED BY COMMISSIONER MIKE CARPENTER.**

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**WHEREAS**, Operation Safe Community is the crime reduction initiative for Shelby County and is endorsed by the County Mayor, City Mayor, Shelby County Board of Commissioners, Memphis City Council and all major law enforcement agencies in Memphis and Shelby County; and

**WHEREAS**, Operation Safe Community's Strategy No. 4 calls for an increase in the number of assistant district attorneys to twenty-four (24) for the purpose of vertical prosecution and caseload reduction; and

**WHEREAS**, since the 2006 launch of Operation Safe Community, the District Attorney General's Office has acquired two State-paid assistant district attorneys and two County-paid assistant district attorneys; and

**WHEREAS**, when local funding for positions or office expenses for the District Attorney General's Office is increased, Tenn. Code Ann. § 16-2-518 requires an increase in local funding equal to 75% of that increase to the Public Defender's Office for indigent criminal defense; and

**WHEREAS**, according to the most recent Public Defender Weighted Caseload Study Update from the Office of the Comptroller of the State of Tennessee, the Shelby County Public Defender's Office is staffed at 101% of its need; and

**WHEREAS**, the Shelby County Public Defender's Office has a ratio of more than 300 cases per assistant public defender, whereas the ratio for the District Attorney General's Office is 900 cases per assistant district attorney; and

**WHEREAS**, it is necessary for local government to make public safety the community's top priority due to decreasing government revenues and increasing criminal activity; and

**WHEREAS**, the Board of County Commissioners of Shelby County, Tennessee believes that it is appropriate that a resolution be passed requesting the Tennessee General Assembly repeal Tenn. Code Ann. § 16-2-518 relative to the requirement to increase local funding for the Public Defender's Office when local funding for the District Attorney General's Office is increased.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE**, that this Board, after careful consideration hereby requests the Shelby County Legislative Delegation and members of the Tennessee General Assembly enact legislation repealing Tennessee Code Annotated, Title 16, Chapter 2, Section 518, a copy of which is attached hereto and incorporated herein by reference, relative to the requirement to increase local funding for the Public Defender's Office when local funding for the District Attorney General's Office is increased.

**BE IT FURTHER RESOLVED**, that the Shelby County Legislative Delegation and members of the Tennessee General Assembly be made aware of this request by copy of this resolution.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately, the public welfare requiring the same.

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A C Wharton, Jr., County Mayor

Date: \_\_\_\_\_

ATTEST:

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Clerk of County Commission

ADOPTED: \_\_\_\_\_